



Franklin County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

RECEIVED
For Ecology Use Only
Received: JUN 12 2012
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: City of Pasco

Application Number: FRAN-11-01 (G3-20243P(A))

This record of decision was made by a majority of the board at an open public meeting of the Franklin County Water Conservancy Board held on June 7, 2012. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on June 7, 2012 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Larry Rogers, Chair
Franklin County Water Conservancy Board

Date: June 7, 2012
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Lynn Hall, Vice-Chair
Franklin County Water Conservancy Board

Date: June 7, 2012
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Lee Morris, Treasurer
Franklin County Water Conservancy Board

Date: June 7, 2012
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

_____, Alternate
Franklin County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on 6/11/2012

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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Franklin County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED

JUN 12 2012

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

☐ Surface Water ☒ Ground Water

| | | | |
|--|---|---|--|
| DATE APPLICATION RECEIVED January 6, 2011 | WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) G3-20243P(A) | WATER RIGHT PRIORITY DATE June 2, 1972 | BOARD-ASSIGNED CHANGE APPLICATION NUMBER FRAN-11-01 |
|--|---|---|--|

| | | | |
|---|-----------------|-----------------------|---------------------|
| NAME City of Pasco (Public Works Department) | | | |
| ADDRESS (STREET) P.O. Box 293 | (CITY) Pasco | (STATE) Washington | (ZIP CODE) 99301 |

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal

☒ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

| | | | | | | | |
|--|---------------------------------|--------------------------------------|---|---------------------|-----------------|------------|---------------------|
| MAXIMUM CUB FT/ SECOND | MAXIMUM GAL/MINUTE 1,612 gpm | MAXIMUM ACRE-FT/YR 606.4 ac-ft/yr | TYPE OF USE, PERIOD OF USE Seasonal irrigation of 151.6 Acres from February 1 to October 31, each year | | | | |
| SOURCE One (1) Well | | | TRIBUTARY OF (IF SURFACE WATER) | | | | |
| AT A POINT LOCATED: PARCEL NO. 116-380-010 | ¼ NW | ¼ NW | SECTION 11 | TOWNSHIP N. 9 | RANGE 29E | WRIA 36 | COUNTY. Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED 151.6 acres with the NW1/4 and W1/2 NE1/4 of Sec. 11, T. 9 N., R. 29 E.W.M., LESS rights of way therefrom, Franklin County, Washington | | | | | | | |
| PARCEL NO. 116-340-030 | ¼ NW | ¼ W1/2 | SECTION 11 | TOWNSHIP N. 9 N. | RANGE, 29 E. | | |

Proposed Use

| | | | | | | | |
|--|---------------------------------|--------------------------------------|--|-----------------------------|------------------------|------------------|---------------------------------|
| MAXIMUM CUB FT/ SECOND | MAXIMUM GAL/MINUTE 1,612 gpm | MAXIMUM ACRE-FT/YR 606.4 ac-ft/yr | TYPE OF USE, PERIOD OF USE Seasonal Municipal Irrigation, February 1 to October 31, each year | | | | |
| SOURCE 1)Well 2)I-182 River Pump Station | | | TRIBUTARY OF (IF SURFACE WATER) Columbia River | | | | |
| AT A POINT LOCATED: PARCEL NO. 1)116-380-010 2)118-221-157 | ¼ NW SW | ¼ NW NW | SECTION 11 18 | TOWNSHIP N. 9 N. 9 N. | RANGE 29 E. 29 E | WRIA 36 36 | COUNTY. Franklin Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Area served by the City of Pasco as defined by their current comprehensive Water System Plan | | | | | | | |
| PARCEL NO. N/A | ¼ N/A | ¼ N/A | SECTION N/A | TOWNSHIP N. N/A | RANGE, N/A | | |

Board's Decision on the Application

| | | | | | | | |
|---|--|---|---|-------------|--------------|-----------|-----------------|
| MAXIMUM CUB FT/ SECOND | MAXIMUM GAL/MINUTE 1,612 gpm | MAXIMUM ACRE-FT/YR 483.6 ac-ft/yr | TYPE OF USE, PERIOD OF USE Seasonal Municipal Supply, February 1 to October 31, each year | | | | |
| SOURCE 1)Well 2)I-182 River Pump Station | | | TRIBUTARY OF (IF SURFACE WATER) Columbia River | | | | |
| AT A POINT LOCATED: PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP N. | RANGE | WRIA | COUNTY. |
| 1)116-380-010 | NW | NW | 11 | 9 N. | 29 E. | 36 | Franklin |
| 2)118-221-157 | SW | NW | 18 | 9 N. | 29 E | 36 | Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD | | | | | | | |
| Area served by the City of Pasco as defined by their current comprehensive Water System Plan | | | | | | | |
| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP N. | RANGE, | | |
| N/A | N/A | N/A | N/A | N/A | N/A | | N/A |

DESCRIPTION OF PROPOSED WORKS

The purpose of this application is to change the purpose of use from irrigation to municipal supply as well as add a point of diversion/withdrawal to existing Well #1, at the City of Pasco I-182 irrigation intake. The proposed place of use will be the area served by the City of Pasco as defined by their current comprehensive Water System Plan.

DEVELOPMENT SCHEDULE

| | | |
|---|--|---|
| BEGIN PROJECT BY THIS DATE: Completed | COMPLETE PROJECT BY THIS DATE: Completed | COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: May 1, 2015 |
|---|--|---|

REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

BACKGROUND [See WAC 173-153-130(6)(a)]

On January 6, 2011, the City of Pasco, Washington, filed an application to change the purpose of use, add a point of diversion/withdrawal, and change the place of use under Permit G3-20243P(A). The application was accepted at an open public meeting on January 6, 2011, and the board assigned application number FRAN-11-01.

Attributes of the water right as currently documented

Name on certificate, claim, permit: **City of Pasco**

Water right document number: **Permit Number - G3-20243P(A)**

As modified by certificate of change number: **Superceding Permit G3-20243P (A) issued on March 15, 2005 and assignment of water right dated March 22, 2006 and approved by Ecology on May 9, 2006.**

Priority date, first use: **June 2, 1972**

Water quantities: Qi: 1,612 gpm Qa: 606.4 acre ft./ year

Source: **One (1) wells**

Point of diversion/withdrawal: **Well #1) 1,290 feet north and 1,150 feet east from W1/4 corner of Sec. 11, within the NW1/4 NW1/4, Sec. 11 T. 9 N., R. 29 E.W.M.**

Purpose of use: **Seasonal irrigation of 151.6 acres**

Period of use: **Seasonal irrigation, February 1 to October 31, each year**

Place of use: NW1/4 and W1/2NE1/4 of Section 11, Township 9 north, Range 29 E.W.M., in Franklin County, Washington

Existing provisions:

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-040-106(0208)

020 through WAC 508-64-040.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port.

This authorization for the withdrawal of public ground waters within the boundaries of the Columbia Basin Project is based, on a tentative conclusion that public ground waters are available. If, however, it is subsequently determined by the Department that public ground waters are not available in the amounts authorized for withdrawal, the Department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided for in RCW 90.44.080, shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

This permit is subject to all of the terms of an agreement dated October 24, 1972 as it might be further amended entered into between the United State of America, Bureau of Reclamation, South Columbia Basin Irrigation District and Burlington Northern, Inc. relating to the use of ground waters.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The subject property is located in the City of Pasco, lying north of Sandifur Parkwat and also the Desert Sunset / Casa Del Sol and Desert Estates II subdivision, east of Road 52 and south of the City's Urban Growth Boundary. The property is being developed by Emerald Resources from agricultural / farm land into a single-family residential subdivision.

Originally, water right permit G3-20243 was issued on October 18, 1985 (Qi = 2,786 gpm and Qa = 1,048 ac-ft/year). As residential development progressed the original water right was broken into three different permits: G3-20243P(A), G3-20243P(B), and G3-20243P(C). (G3-20243P(B): Qi = 214 gpm and Qa = 107.9 ac-ft/year. G3-20243(C): Qi = 1,174 gpm and Qa = 441.6 ac-ft/year). The DOE issued a superseding permit G3-20243P(A) for the current site in question, Northwest Commons, on March 15, 2005, Qi = 1,612 gpm and Qa = 606.4 ac-ft/year. Permit (B) was issued for the Desert Sunset development on July 8, 2003, and Permit (C) was issued for the Casa Del Sol development on March 15, 2005.

Previous changes

As mention above, the parent water right G3-20243 was issued on October 18, 1985 (Qi = 2,786 gpm and Qa = 1,048 ac-ft/year). Water right permits G3-20243P(A), (B), and (C) were created and connected into the City's municipal irrigation system on March 15, 2005, July 8, 2003, and March 15, 2005, respectively. (G3-20243(PA): Qi = 1,612 gpm and Qa = 606.4 ac-ft/year, G3-20243P(B): Qi = 214 gpm and Qa = 107.9 ac-ft/year, and G3-20243P(C): Qi = 1,174 gpm and Qa = 441.6 ac-ft/year).

Currently the entire water right is owned by the City and is being used in the City's municipal irrigation system. The outstanding document is the Application for Change / Transfer of Water Right.

SEPA

The board has reviewed the proposed project in its entirety. Based on the quantity of ground water involved in the requested change the board has determined that this project is categorically exempt from SEPA procedures. All requirements of complying with SEPA have been met.

The information or conclusions in this section were authored and/or developed by: Adam Jackson / Gabe Gallinger, P.E., TD&H Engineering, Inc., Doyle L Heath, P.E., City of Pasco, and Mark Nielson, Franklin Conservation District.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Franklin County Graphic on May 19, 2011 and May 26, 2011. There were no protests received during the 30 day protest period.

Comments were received from Steve Boessow of Washington Department of Fish and Wildlife. Mr. Boessow's comments are summarized as follows:

☒ **WDFW recommends modification of this proposal to minimize impacts to fish.**

Rationale for WDFW recommendations if not based on existing rules or statutes: Adding a surface point of diversion to a groundwater permit impacts more than just the flow in the river. Even the best screened diversions can trap or kill fish, especially very small fish. Each increase in the pumping rate further increases the velocity of the water at the fish screen. WDFW recommends allowing the transfer as an intertie with the well and surface water rights, but restricting the instantaneous quantity of water to no greater than what is already allowed at the surface water diversion.

If a year-round diversion rate restriction cannot be met, then the critical juvenile migration time of Late February through May is recommended to allow fall chinook fry time to clear the area on their downstream migration.

Additional comments: This recommendation is something of a departure from standard recommendations from WDFW. Typically we recommend denial of any changes from groundwater to surface diversions. We recognize that the I-182 pump station is already in place and fully screened. We feel that there is a way to manage water from the wells and the river in a way that does no further harm to fish while still providing water to the City of Pasco.

No other oral and written comments were received at an open public meeting of the board or other means as designated by the board.

The information or conclusions in this section were authored and/or developed by Mark Nielson.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Mark Nielson on May 21, 2012, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

The site inspection on May 21, 2012 revealed that irrigation infrastructure is intact and functional but the center pivot acreages had been reduced because of housing development within the original center pivot areas. Aerial photography indicates the full place of use had been irrigated through 2005 with development beginning to encroach in 2006 thus reducing the amount of irrigated acres within the place of use. The reduced acreage and reduced water use is not subject to relinquishment per RCW 90.14.140 as it was claimed for a determined future development. The City of Pasco passed Resolution No. 2896 on September 6th, 2005 approving a preliminary plat for Northwest Commons. Construction of the housing development then began sometime in 2006. Therefore, the irrigation seasons of 2001-2005 will be used to determine beneficial use.

Historical aerial photographs indicate the land has been farmed and the water put to beneficial use and there was no period of 5 consecutive years where the water was not put to beneficial use.

Proposed project plans and specifications

The ground water will immediately be put to beneficial use in the areas served by the City of Pasco municipal irrigation system.

Other water rights appurtenant to the property (if applicable)

Permit G3-20243P(B) still remains appurtenant to the property. The water right is in the name of the City of Pasco, yielding 214 GPM and 107.9 ac-ft/year for the seasonal municipal supply. Another Partial Assignment resulted in Permit G3-20243 P(C) that still remains appurtenant to the property. The water right is in the name of the City of Pasco, yielding 1,174 gpm, and 441.6 ac-ft/year for the purpose of seasonal Municipal supply of the area served the City of Pasco as defined by the current comprehensive water system supply.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. The change in the points of withdrawal to existing facilities being operated and maintained by the City of Pasco reduces operational costs. In addition the water will be used to its highest beneficial use by allowing the water to be used within the City of Pasco benefiting the entire community. The Board finds that this transfer is not detrimental to the public interest.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first pages of this report. There are several circumstances that can cause the Board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter

90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings:

The extent of the water rights put to beneficial use was determined by using the net irrigation requirement values from the Washington Irrigation Guide for Richland and an 85% irrigation efficiency for center pivot. The table below identifies the net irrigation requirement for the previous 5 years of beneficial use subsequent to the claim for a determined future development.

Crop History

| Year | Crop Rotation | Net Irrigation Requirement |
|------|---------------|----------------------------|
| 2001 | Field Corn | 32.54 inches* |
| 2002 | Winter Wheat | 29.42 inches |
| 2003 | Potato | 32.51 inches |
| 2004 | Potato | 32.51 inches |
| 2005 | Potato | 32.51 inches |

*Highest Net Irrigation of the last 5 years = 32.54”

Corresponding Gross Irrigation Depth w/85% efficiency = 32.54” / 0.85 = 38.28”

The amount of water determined to be available for transfer is 483.6 ac-ft (151.6 acres X 38.28 inches per acre / 12 inches/ac-ft).

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

The existing points of withdrawal are located in WRIA #36 and are within the boundaries described in WAC 508-14. The water right permit describes a 16” diameter by 200’ deep drilled well. There is no Well Log available through the Department of Ecology; however, based upon Well Logs is close proximity to the site, The well does not penetrates into the Columbia River Basalt Group. Research from other wells within the vicinity of the subject wells all indicate similar soil types of sand and gravel aquifer consisting primarily of Pleistocene Cataclysmic Flood deposits with minor course alluvium, coarse colluvium, and eolian sand. Ground water level information from the South Columbia Basin Irrigation District indicates that from 1995 to 2005 the water table surrounding the current and proposed points of withdrawal has remained stable with no known water table declines. Ground water in the shallow unconfined aquifer within this area ultimately discharges to Lake Wallula (Columbia River). Therefore ground water in this area is in direct continuity with the Columbia River where the added point of withdrawal/diversion is located. The added Point of Withdrawal is at the shore of Lake Wallula (Columbia River).

Other

Because the assignment for this water right permit occurred in 2006, there has been adequate time for any potential negative impacts to be discovered. The current place of use is within the City of Pasco’s Urban Growth Boundary as designated in County Resolution #2008-088 dated February 27, 2008. The City of Pasco is meeting water conservation requirements of its current water system plan and thus the Permit may be transferred to a municipal irrigation purpose.

The information or conclusions in this section were authored and/or developed by: Adam Jackson / Gabe Gallinger, P.E., TD&H Engineering, Inc. and Doyle L Heath, P.E., City of Pasco and Mark Nielson, Franklin Conservation District.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. There are several circumstances that can cause the board’s tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board’s tentative determination was based upon the following findings:

- A valid water right exists and the water right is eligible for change/transfer.
- The proposed change/transfer will not enlarge the right.
- There are no indications that a period of 5 consecutive years of non-use occurred with this permit.
- The proposed transfer occurs within the same body of public water.
- It is in the public interest to approve this transfer.

- The extent of the water right available for transfer is tentatively determined to be for the quantities of 1,612 gpm and 483.6 acre-feet per year.

Relinquishment or abandonment concerns

The water right has a priority date of June 2, 1972 and has been in continuous use. A field examination confirmed the water distribution facilities are maintained in good operating condition. The Board has found no evidence indicating a period of non-use. A tentative determination has been made that the water right is being put to beneficial use and therefore a valid water permit exists for the purpose of this change/transfer request. While the amount of acreage irrigated was reduced in 2006, the board finds this reduction not subject to relinquishment per RCW 90.14.140 as is was determined to be claimed for a determined future development. However, based on the cropping history from 2001-2005 the board finds that 122.8 ac-ft is subject to relinquishment as it was not put to beneficial use.

Hydraulic analysis

The existing points of withdrawal appear to be hydraulically connected to the proposed points of diversion. No net change in withdrawal or diversion will occur. This change request will add two new points of diversion that are hydraulically connected to the existing point of withdrawal. Both points will be withdrawing water from sources displaying the McNary pool elevation.

Consideration of comments and protests

The only comment received was from Steve Boessow of Washington Department of Fish and Wildlife (WDFW). The City of Pasco must comply with the screening requirements of WDFW so the board finds this comment has been addressed.

Impairment

The Conservancy Board did not find any information that would indicate that the proposed transfer would have an effect on other water rights, pending change applications, or in-stream flows. Therefore, it is the conclusion of the board that no impairment to existing or pending water rights will occur.

Public Interest

The proposed additional points of withdrawal will not be detrimental to the public interests.

Other

The assignment was approved by the Department of Ecology in a May 15, 2006 letter describing the transfer of water rights to the City of Pasco. Since that date, the system has been functioning as a part of the City's municipal irrigation system.

DECISION [See WAC 173-153-130(6)(e)]

It is the Board's recommendation that a superseding permit be issued for the requested change of use, additional points of withdrawal and places of use as described in the Board's decision above.

The information or conclusions in this section were authored and/or developed by: Adam Jackson / Gabe Gallinger, P.E., TD&H Engineering, Inc., Doyle L Heath, P.E., City of Pasco, and Mark Nielson, Franklin Conservation District.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

This authorization for the withdrawal of public ground waters within the boundaries of the Columbia Basin Project is based, on a tentative conclusion that public ground waters are available. If, however, it is subsequently determined by the Department that public ground waters are not available in the amounts authorized for withdrawal, the Department shall, by order of notification, withdraw or modify

the authority granted therein as may be appropriate. In accordance with WAC 508-14-030(2)(b), no certificate of water right as provided for in RCW 90.44.080, shall be issued by the Department of Ecology until such time as a more definite determination can be reached as to the availability of public ground waters in an area described in WAC 508-14-030(3).

X If water from facilities of any legally formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

X All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded monthly and maintained by the City of Pasco for a minimum of five years, and shall be promptly submitted to Ecology.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gauge may be installed in addition to the access port.

X The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

X Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

This permit is subject to all of the terms of an agreement dated October 24, 1972 as it might be further amended entered into between the United State of America, Bureau of Reclamation, South Columbia Basin Irrigation District and Burlington Northern, Inc. relating to the use of ground waters.

Mitigation (if applicable)

Construction Schedule

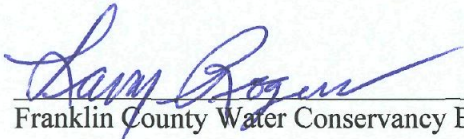
The proposed project construction is complete and full beneficial use by the City of Pasco's municipal system shall be complete by May 1, 2015.

Other

The information or conclusions in this section were authored and/or developed by: Adam Jackson / Gabe Gallinger, P.E., TD&H Engineering, Inc. and Doyle L Heath, P.E., City of Pasco.

The undersigned Board commissioner certifies that he/she understands the Board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the Board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at Pasco, Washington
This 7th day of June, 2012

 _____, Board Representative
Franklin County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer